REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 14, 15 and 20-27 remain pending

In the Office Action, the Examiner makes the following rejections:

- claims 14, 15, 20, 21, 23 and 25-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baumann et al. (U.S. Patent No. 7,047,309) in view of Li et al. (U.S. Publication No. 2005/0128954) and Gannage et al. (U.S. Publication No. 2004/0151158);

- claims 22 and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baumann et al. in combination with Li et al. and Gannage et al. in view of Vimpari (U.S. Publication 2003/0117972).

Applicant respectfully traverses. Independent claim 14 recites, in part "sampling, at one of the User Equipment and the Media Resource Function, a rate of packet loss on the link," "comparing the representative loss rate to a pre-defined acceptable loss rate at one of the User Equipment and the Media Resource Function," and "applying a sliding window to the sampled values, and calculating an average or other statistically representative value across the window at one of the User Equipment and the Media Resource Function."

The Examiner alleges that Baumann et al. discloses these features. Baumann et al. relates to a method of improving bandwidth utilization when

transferring a large data file using TCP/IP (*see column 1, lines 33-38*).
Baumann et al. discloses that TCP/IP applies a sliding window to the bytes
transferred between a sender and a recipient. This TCP/IP sliding window is
used as a method of flow control in which the window size limits the maximum
number of sequential bytes that the sender is allowed to send. Following
transmission of a number of bytes, the recipient will then acknowledge the last
sequential byte received, and the sender will then slide the sliding window to
the first acknowledged byte for transmission in the next packet. In Baumann
et al., it is seen that the sliding window is applied to the amount of data
transmitted from the sender. Baumann et al. does <u>not</u> disclose that the sliding
window is applied to a sample rate of packet loss, as required by claim 1.

Baumann et al. also does not disclose sampling of a packet loss rate.
Column 7, lines 45-58 of Baumann et al. merely describe a way to determine a
sustained transmission bandwidth between a server application 204 and a
client application 206 when the client application 206 requests transfer of data
202. In Baumann et al., round trip times for packet-acknowledgment pairs are
measured for multiple segments in multiple data streams. There is no mention
of sampling the packet loss rate. Furthermore, Baumann et al. does not
disclose calculation of an average or other statistically representative loss rate.
This is logical since Baumann et al. does not measure loss rate in the first
place.[1]

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[1] It is noted that Baumann et al. makes no mention of user equipment, Media Resource
Function, or of a Real-Time protocol.

Li et al. and Gannage et al., individually or in combination, do not correct the above noted deficiencies of Baumann et al. This is sufficient to distinguish claim 14 over Baumann et al., Li et al., and Gannage et al.

In addition, the Examiner admits that Baumann et al. does not teach or suggest the features of "if the representative loss rate exceeds the acceptable loss rate and if a pre-defined time period has elapsed since a sending rate over the link was last adapted, then decreasing the sending rate over the link at one of the User Equipment and the Media Resource Function," "if the representative loss rate is less than the acceptable loss rate and if a pre-defined good performance time period has elapsed since the sending rate over the link was last adapted, then increasing the sending rate over the link at one of the User Equipment and the Media Resource Function," and "in the event that the pre-defined time period and the pre-defined good performance time period have not elapsed since the sending rate was last adapted, keeping the sending rate over the link unchanged."

Contrary to the allegation made in the Office Action, Li et al. does not disclose the use of a predefined time period since the sending rates over a link was last adapted. The relied upon portions of Li et al. simply recognizes that the transmission rate cannot be further reduced if the rate is already at the lowest rate and cannot be further increased if the rate is already at the highest rate.

For at least the above-stated reasons, independent claim 14 is distinguishable over Baumann et al., Li et al., and Gannage et al. For similar

reasons, independent claims 25 and 26 are also distinguishable over Baumann et al., Li et al., and Gannage et al. Claims 15, 20, 21, 23 and 27 are distinguishable over Baumann et al., Li et al., and Gannage et al. by virtue of their dependencies from independent claims as well as on their own merits.

Further, Vimpari does not correct the above noted deficiencies of Baumann et al., Li et al., and Gannage et al. Therefore, independent claim 14 is distinguishable over Baumann et al., Li et al., Gannage et al., and Vimpari. By virtue of the dependencies from claim 14 as well as on their own merits, claims 22 and 24 are also distinguishable over Baumann et al., Li et al., Gannage et al., and Vimpari.

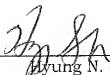Applicant respectfully requests that the rejections be withdrawn.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

AMENDMENT
U.S. Serial No. 10/590,884

Atty. Docket No.: 3772-36
Art Unit No.: 2617

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

Hyung N. Sohn
Reg. No. 44,346

HNS/edg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100